

103D CONGRESS
1ST SESSION

S. 615

To enable Indian tribal governments to provide facilities necessary to carry out essential governmental functions.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, MARCH 3), 1993

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To enable Indian tribal governments to provide facilities necessary to carry out essential governmental functions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Tribal Govern-
5 ment Lease Agreement Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) The term “Indian tribal government”
9 means the governing body of any Indian tribe, band,
10 nation, or other organized group or community, in-

1 cluding any Alaska Native village or regional or vil-
2 lage corporation as defined in or established pursu-
3 ant to the Alaska Native Claims Settlement Act,
4 which is recognized as eligible for the special pro-
5 grams and services provided by the United States to
6 Indians because of their status as Indians.

7 (2) The term “Secretary” means the Secretary
8 of the Interior.

9 (3) The term “Fund” means the Fund estab-
10 lished by section 4.

11 (4) The term “account” means an account
12 within the Fund established on behalf of an Indian
13 tribal government in connection with a lease agree-
14 ment entered into by that tribal government pursu-
15 ant to section 3.

16 (5) The term “essential governmental function”
17 means any function carried out by, or on behalf of,
18 an Indian tribal government involving the planning,
19 design, construction, repair, improvement, and ex-
20 pansion of education facilities.

21 **SEC. 3. SELF-DETERMINATION AGREEMENTS.**

22 (a) PURPOSE.—The Secretary is authorized, under
23 section 102 of the Indian Self-Determination and Edu-
24 cation Assistance Act, to enter into lease agreements with
25 Indian tribal governments pursuant to which the Sec-

1 retary agrees to lease, for a period of years, facilities con-
2 structed by any such tribal government for use in carrying
3 out an essential governmental function.

4 (b) TERMS.—Any lease agreement shall include such
5 terms and conditions as the Secretary determines nec-
6 essary or appropriate to assure that the proceeds from
7 bonds, sold by an Indian tribal government for the purpose
8 of constructing a facility to be covered by such lease agree-
9 ment, will be used only in the manner, and for the pur-
10 poses, approved by the Secretary.

11 (c) INDIAN PRIORITY LIST.—In determining which
12 Indian tribal government may enter into a lease agreement
13 under this Act, the Secretary shall follow the Education
14 Facilities Construction Priority list as of fiscal year 1993
15 or as thereafter modified.

16 **SEC. 4. THE TRIBAL GOVERNMENT LEASE FUND.**

17 (a) ESTABLISHMENT.—There is established in the
18 Treasury of the United States the Tribal Government
19 Lease Fund. Each Indian tribal government having a lease
20 agreement under this Act shall have an account in such
21 Fund.

22 (b) CONTENTS OF FUND.—There shall be deposited
23 in the appropriate accounts within the Fund the following:

1 (1) Moneys appropriated to the accounts for
2 payments in connection with lease agreements under
3 this Act.

4 (2) Income and gains realized by the account
5 from any investment of excess funds, and the obliga-
6 tions or securities comprising such investments with-
7 in such account.

8 (3) Any other receipts of such account.

9 (c) EXCESS FUNDS INVESTMENT.—If the Secretary
10 of the Interior determines that the amount of money in
11 any such account exceeds the amount required for current
12 needs, the Secretary of the Treasury, at the request of
13 the Secretary of the Interior, may invest such amounts
14 as the Secretary of the Treasury deems advisable in obli-
15 gations of, or obligations guaranteed by, the Government
16 of the United States, or in such other governmental or
17 agency obligations or other securities of the United States
18 as he deems appropriate.

19 (d) DEPOSITORY.—The Secretary of the Treasury
20 may deposit moneys of the Fund with any Federal Reserve
21 bank, any depository for public funds, or in such other
22 places and in such manner as the Secretary of the Treas-
23 ury deems appropriate.

24 (e) USES.—Moneys in each account within the Fund
25 shall be administered by the Secretary in order—

1 (1) to effect the payment, when due, of the
2 principal of, and any interest on, bonds issued by
3 the tribal government having such account in con-
4 nection with a facility covered by a lease agreement
5 under this Act;

6 (2) to redeem such bonds; and

7 (3) to make payment of all expenses incurred
8 by the Indian tribal government in carrying out its
9 duties with respect to its account within the Fund.

10 **SEC. 5. AUTHORIZATION OF APPROPRIATION TO THE**
11 **FUND; APPROPRIATIONS.**

12 Moneys in such Fund, together with all moneys here-
13 after deposited in such Fund, are hereby appropriated for
14 the purposes of this Act and shall remain available until
15 expended. For fiscal year 1994, and each fiscal year there-
16 after, there are authorized to be appropriated, to each of
17 the appropriate accounts in the Fund, such sums as may
18 be necessary to make payments under lease agreements
19 under this Act, and to carry out the other provisions of
20 this Act.

21 **SEC. 6. FULL FAITH AND CREDIT.**

22 Any bond issued by an Indian tribal government after
23 the date of the enactment of this Act the proceeds of which
24 are used for the construction of a facility covered by a
25 lease agreement under this Act shall constitute general ob-

1 ligations of the United States of America backed by the
2 full faith and credit of the United States of America.

3 **SEC. 7. AUDIT OF TRANSACTIONS.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States is authorized to audit the operations of each
6 of the accounts within the Fund in accordance with such
7 rules and regulations as he may prescribe. Any such audit
8 shall be conducted at the place or places where accounts
9 of the Fund are normally kept. The representatives of the
10 Comptroller General shall have access to all books, ac-
11 counts, records, reports, files and other papers, things, or
12 property belonging to, or in use by or in connection with
13 the Fund, or the Indian tribal government which pertain
14 to the financial transactions of the Fund and which are
15 necessary to facilitate an audit. Such representatives shall
16 be afforded full facilities for verifying transactions with
17 the balances or securities held by depositories, fiscal
18 agents, and custodians. All such books, accounts, records,
19 reports, files, papers, things, and property shall remain
20 in the possession and custody of the Fund, or the Indian
21 tribal government, as the case may be.

22 (b) ACCESS TO INFORMATION.—The representatives
23 of the Comptroller General shall have access to all books,
24 accounts, records, reports, files, and other papers, things,
25 or property belonging to or in use by any person or entity

1 which has entered into a financial transaction with or in-
2 volving the Fund, or the Indian tribal government, under
3 this Act, to the extent deemed necessary by the Comptrol-
4 ler General to facilitate any audit of financial transactions
5 pursuant to subsection (a) of this section. Such represent-
6 atives shall be afforded full facilities for verifying trans-
7 actions with the balances or securities held by depositories,
8 fiscal agents, and custodians. All such property of such
9 person or entity shall, to the extent practicable, remain
10 in the possession and custody of such person or entity.

11 (c) REPORT.—The Comptroller General shall make a
12 report of each such audit to the Congress. Such report
13 shall contain all comments and information which the
14 Comptroller General deems necessary to inform Congress
15 of the financial operations and conditions of the Fund and
16 any recommendations which he deems advisable. Such re-
17 port shall indicate specifically and describe in detail any
18 program, expenditure, or other financial transaction or
19 undertaking observed in the course of such audit which
20 the Comptroller General deems to have been carried on
21 or made without lawful authority or which is inconsistent
22 with the purposes and provisions of this Act. A copy of
23 such report shall be furnished to the President, the Sec-
24 retary and the appropriate Indian tribal governments
25 under this Act at the time it is submitted to the Congress.

